4960032/2021/VIGILANCE-I-ICD01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Water Resources Department - Allegation of Acquisition of assets disproportionate to the known sources of his legal income against Sri U.Rajanna, the then Deputy Executive Engineer, (Retired) as In- Charge Executive Engineer - Prosecuted in a Court of law – Acquitted in CC.No.68/2013 by Special Judge for Trial of SPE & Anti Corruption Bureau Cases, Kurnool - Further action dropped - Regularise the suspension period from 30.12.2007 to 29.07.2008 as "NOT ON DUTY " against the then Deputy Executive Engineer, Sri U.Rajanna (Retired) - Orders – Issued.

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WATER RESOURCES (VIGILANCE.I) DEPARTMENT

G.O.Rt.No.350 Dated:13.09.2021

Read the following:-

1. From the CE, (Projects), I&CAD Dept., Ananthapur, Lr.No.Rc.No.CE(P)/ATP/1M, dt.01.01.2008.
2. From the Director General, Anti Corruption Bureau, A.P., Hyderabad Rc.No.248/RCA-KUR/2007,dt.16.09.2009.
3. G.O.Ms.No.80, I&CAD (Ser.VI (1)) Dept., dt.28.07.2010.
4. G.O.Ms.No.81, I&CAD [Ser.VI] Dept., dt.28.7.2010.
5. G.O.Rt.No.908, I& CAD(Ser.VI(1))Dept.,dt.,28.07.2010.
6. G.O.Rt.No.657, WR (Vig.I) Dept., dt.20.09.2018.
7. Judgment dt.15.06.2020 in calendar case No.68/2013 on the file of the special judge for trial of SPE &ACB Cases, Kurnool.
8. From Sri U. Rajanna, DyEE (Retd)., representation, dt.29.06.2020.
9. From the DG, ACB, Vijayawada, Lr.No.Rc.No.248/RCA-KUR/2007- S.6, dt.22.09.2020, along with copy of judgment and legal opinion.
10. Govt.Memo.No.383/Vig.I/A2/2008-45, W.R(Vig.I) Dept., Dated 11.08.2021.

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ORDER:

Whereas, in the reference 1st read above, it has been brought to the notice of the Government that, a Disproportionate Assets case was registered by the Anti-Corruption Bureau authorities, against Sri U.Rajanna, the then Deputy Executive Engineer, (Retired) as In-Charge Executive Engineer, as he had acquired assets disproportionate to the known sources of his legal income.

2. And whereas, in the reference 2nd read above, the Director General, Anti-Corruption Bureau, Hyderabad while submitting final report, has recommended to Prosecute the Accused Officer in the Court of Law u/s 13 (2) r/w 13 (1) (e) of Prevention of Corruption Act, 1988 and also to initiate departmental action for violation of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 against the Accused Officer Sri U.Rajanna, the then Deputy Executive Engineer, (Retired).

3. And whereas, in the reference 3rd read above, orders were issued to sanction of prosecution against the Accused Officer Sri U.Rajanna, the then Deputy Executive Engineer, (Retired).

(P.T.O)

4. And whereas, in the reference 4th read above, orders were issued for filing an application before the Hon'ble Addl. Special Judge for SPE & Anti Corruption Bureau Cases Hyderabad for attachment of Accused Officer's Sri U.Rajanna, the then Deputy Executive Engineer, (Retired) properties worth Rs.70,72,587/-.

5. And whereas, in the reference 5th read above, articles of Charges were issued against Accused Officer Sri U.Rajanna, the then Deputy Executive Engineer, (Retired) for violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964. After following due procedure, final orders were issued imposing a penalty of 5% cut in pension for a period of two years to the Charged Officer, under rule 9 of Andhra Pradesh Revised Pension Rules 1980 without prejudice to the criminal case pending in the Anti Corruption Bureau Court, vide in the reference 6th read above.

6. And whereas, in the reference 7th read above, the Court of the Special Judge for trial of SPE & Anti Corruption Bureau Cases, Kurnool has given judgment that the Accused Officer Sri U.Rajanna, the then Deputy Executive Engineer, (Retired) was acquitted in CC.No.68/2013 dated 15-06-2020. The Hon'ble Special Judge for Trial of SPE & Anti Corruption Bureau Cases, Kurnool in its orders dated 15.06.2020 in CC.No.68/2013 have ordered the following:-

> *.....The assets possessed by accused officer were thus in excess of the surplus income available to him but, the excess is comparatively small and is less than 10% of total income of Rs.79,06,718/-, therefore, taking into consideration of his long period of unblemished and meritorious services as evidenced by Certificate of Appreciation and Certificate of commendation received in the Department, 10% marginal benefit which is a permissible index and also less than the 20% of margin given by the Government Vide Memo No.623/SPL C/2008-2, dt.15.10.2008 and these type of cases can be extended to the accused officer as per the decision reported in Krishnand Agnihotri Vs. State of M.P., thereby, Spl.Judge for Trial of SPE & ACB Cases, Kurnool hold that, accused officer is found not guilty for the offence U/S.13(1)(e) r/w 13 (2) of Prevention of Corruption Act, 1988 and entitled benefit of doubt"*
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> *In the result, the accused officer is found not guilty for the offence U/S.13 (1)(e) r/w 13(2) of Prevention of Corruption Act, 1988 and he is acquitted U/S.248(1) Cr.P.C. Bail bonds of accused shall stand cancelled and bailers stand discharged. The amounts/articles recovered/seized from the accused officer is directed to be refunded to the accused officer, if not already been refunded, after expiry of appeal period, on such application made by the accused officer in that regard"*

7. And whereas, in the reference 8th read above, Sri U. Rajanna, the then Deputy Executive Engineer, (Retired) as In-Charge Executive Engineer, in his representation has requested to drop the disciplinary proceedings initiated against him and to regularise his suspension period from 30.12.2007 to 29.07.2008 as duty period under FR-54 provisions and his increments due from 2008, 2009 & 2010 and release the pensionary benefits pending due to charges pending against him.

(P.T.O)

8. And whereas, in the reference 9th read above, the Director General, Anti Corruption Bureau, Vijayawada has requested to permit them for filing appeal in the Hon'ble High Court of Andhra Pradesh, against the acquittal orders of the trial court in C.C.No.68/2013, dated 15.06.2020. After examining the same orders were issued duly rejecting the proposal of the Director General, Anti Corruption Bureau to file an appeal in the Hon'ble Andhra Pradesh High Court against the acquittal orders vide reference 10th read above.

9. Government after careful examination of the matter and in view of the acquittal of Sri U.Rajanna, the then Deputy Executive Engineer, (Retired) as In-Charge Executive Engineer, by the Hon'ble Special Judge for Trial of SPE & Anti Corruption Bureau Cases, Kurnool in its orders dt.15.06.2020 in CC.No.68/2013 have decided to drop further action against him by releasing pensionary benefits due to him and also decided to regularise the suspension period as not on duty under FR 54 (B) (7) r/w (5) since the departmental action was finalized by imposing 5% cut in pension in this case.

10. Accordingly, Government hereby order to drop further action against Sri U.Rajanna, the then Deputy Executive Engineer, (Retired) as In-Charge Executive Engineer and also order to regularize the suspension period from 30.12.2007 to 29.07.2008 as "NOT ON DUTY " under FR 54 (B) (7) r/w (5). After exhausting of all available leave, the period can be regularized by converting into leave due/EOL as admissible to him for the purpose of notional increments and pension as per G.O.Ms.No.307, Finance (FR.II) Department, dt.03.12.2012.

11. The Engineer-in-Chief (AW), Water Resources Department, Vijayawada is requested to take necessary action accordingly.

12. The receipt of the G.O may please be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SYAMALA RAO JAMJAM
SECRETARY TO GOVERNMENT

To
Sri U.Rajanna, the then Deputy Executive Engineer, (Retired) as In-Charge Executive Engineer (Through the Engineer-in-Chief (AW), Water Resources Department)
The Engineer-in-Chief (AW), Water Resources Department, D.No:48-10-9/1,N.H.Feeder Road, Currency Nagar, Vijayawada-520008.

Copy to

The Director General, Anti-Corruption Bureau, A.P., Headquarters Office, 2nd Floor,N.T.R. Admn. Block, Pandit Nehru Bus Station, Vijayawada.
Sc/Sf

//FORWARDED::BY ORDER//

SECTION OFFICER